

## Middlesex County Wetlands Board Minutes

April 10, 2007

### **Call to Order**

The April 10, 2007 meeting of the Middlesex County Wetlands Board was called to order by Chairman Miller Smither at 9:00 A.M. in the Boardroom of the Woodward Building, Saluda, Virginia.

Present: Mr. J. Miller Smither – Chairman  
Mr. Tom Hawksworth – Vice Chairman  
Mr. Woodson Armstead  
Mr. Archie Brooks  
Mrs. Mary Ann Willis

Absent: Mr. M. Dale Taylor

Staff present: Amy Easterbrook, Planner  
Cathy Shiflett, Planning Department Secretary

Also present was Mr. Robert Neikirk from the Virginia Marine Resources Commission (VMRC).

### **Minutes**

The Board considered the minutes of the March 13, 2007 meeting. On a motion by Mr. Hawksworth, and a second by Mr. Brooks, the minutes were approved unanimously.

### **Public Hearing**

Chairman Smither opened the public hearing, and the Middlesex County Wetlands Board took action on the following applications:

A. Joe Davis - Application #2007-0007.

Chairman Smither read the applicant's proposal requesting to install 42' of vinyl bulkhead 2' channelward of the existing bulkhead and remove the existing 23' timber return wall and replace with vinyl in the same footprint. The property for which the application is being made is located on Urbanna Creek, Tax Map # 20A-30-9. Staff then read the VIMS report for the project.

Mrs. Patricia Groves, agent, was in attendance to represent the project. Mrs. Groves stated that the applicant was opposed to a sloped rock revetment instead of another bulkhead for safety reasons. She explained that Mr. Davis was concerned that his grandchildren may stumble on the rock while playing on the beach. Mrs. Groves stated agreement with staff recommendation to completely demolish and remove the old concrete and timber structures, and clean sand would be used for backfill.

Chairman Smither opened the public hearing.  
With there being no comment from the public, the hearing was closed.

Mr. Brooks questioned whether the new bulkhead could be placed in the exact footprint of the existing bulkhead.

Mrs. Groves stated that this would not be a problem.

On a motion by Mr. Armstead, seconded by Mr. Hawksworth, and carried by unanimous vote, Application #2007-0299 was approved with the following staff recommendations: 1) the existing concrete and timber

bulkheads shall be removed and the new vinyl bulkhead installed within the footprint, 2) clean sand shall be used for backfill, 3) all wetland vegetation shall be avoided during construction, and 4) revised drawings will be required. An RPA Modification Permit will be required.

B. River Run Homeowners Association c/o Phil Perrine - Wetlands Application #2007- 0314.

Chairman Smither read the applicant's proposal requesting to install 81' of riprap revetment in front of an existing bulkhead. The property for which the application is being made is located on the Piankatank River, Tax Map #43A-6-A. Staff then read the VIMS report for the project.

Mr. Phil Perrine, River Run Homeowners Association, was in attendance to represent the project.

Chairman Smither opened the public hearing.

With there being no comment from the public, the hearing was closed.

On a motion by Mr. Brooks, seconded by Mrs. Willis, and carried by unanimous vote, Application #2007-0314 was approved with the following staff recommendations: 1) A minimum of Class I stone shall be required as armor stone, Class A1 stone may be used for core material. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

C. Joan Martin - Wetlands Application #2007-0340.

Chairman Smither read the applicant's proposal requesting to install 30' of riprap revetment with a 12' return wall. The property for which the application is being made is located on Sturgeon Creek, Tax Map #40-27-5. Chairman Smither stated that the project was not flagged when the Board made a site visit, and in accordance with the Board's policy, the project would be continued until the project is flagged and another visit has been made.

On a motion by Mr. Hawksworth, seconded by Mrs. Willis, and carried by unanimous vote, Application #2007-0340 was continued until the May 8, 2007 meeting.

D. Leila M. Ermarth Trust c/o Michael Ermarth - Wetlands Application #2007-0380.

Chairman Smither read the applicant's proposal requesting to add 15' to the existing riprap revetment and construct a 25' marsh toe revetment to protect an eroding marsh. The property for which the application is being made is located on the Robinson Creek, Tax Map #19C-5-12. Staff then read the VIMS report for the project.

Mr. Maurice Major, agent, was in attendance to represent the project.

Mr. Hawksworth asked if the riprap would be carried across the yard, and placed by hand.

Mr. Major stated that the stone would be carried across the yard.

Chairman Smither opened the public hearing.

With there being no comment from the public, the hearing was closed.

On a motion by Mr. Hawksworth, seconded by Mrs. Willis, and carried by unanimous vote, Application #2007-0380 was approved as submitted in accordance with staff recommendation with the following conditions: filter cloth shall be placed under the revetment and the marsh toe sill. An RPA Modification Permit will be required. This approval is valid for a term of 18 months.

E. Domingo Balbuena – Wetlands Application # 2007-0426.

Chairman Smither read the applicant's proposal requesting to install 61' of riprap revetment in front of an existing bulkhead. Staff stated that the agent had requested that the Board table the application until further notice.

On a motion by Mr. Brooks, seconded by Mr. Hawksworth, and carried by unanimous vote, Application # 2007-0426 was tabled until further notice.

**Old Business**

A. James Mackey - Application #2007-0007.

Chairman Smither read the applicant's proposal requesting to construct 75' of timber bulkhead. This project is located on Broad Creek, at Tax Map # 41-35-1. Staff stated that revised drawings were to be presented.

Mr. Joey Scott, agent, presented revised drawings. Mr. Scott explained that he was not the original agent on the project, and after speaking with the contractor, he was proposing a marsh toe revetment and the project would be out of the Board's jurisdiction.

On a motion by Mr. Brooks, seconded by Mrs. Willis, and carried by unanimous vote, Application #2007-0007 was approved based on revised drawings.

B. David Malechek – Application #2007-0173

Chairman Smither read the applicant's proposal requesting to construct a 140' riprap revetment and to repair and restack an existing 50' riprap revetment. The property for which the application is being made is located on the Piankatank River, Tax Map #43-17-2. Staff then read the VIMS report for the project.

Mr. Joey Scott, agent, was in attendance to represent the project. Mr. Scott stated that the concrete has been removed and debris will be hauled away.

Chairman Smither opened the public hearing.  
With there being no comment from the public, the hearing was closed.

On a motion by Mr. Hawksworth, seconded by Mr. Brooks, and carried by unanimous vote, Application #2007-0173 was approved in accordance with staff recommendations with the following conditions: 1) all vegetative debris shall be removed from the banks and sand spur and disposed of properly, 2) all concrete shall be removed from the existing revetment and disposed of properly and 3) the new revetment shall avoid any wetland vegetation.

**New Business**

Mr. Chip Neikirk introduced Mr. Bradley Reams, the new codes enforcement officer.

**Adjournment**

With no further business to discuss Mr. Hawksworth moved to adjourn the meeting, seconded by Mr. Brooks, the meeting was adjourned unanimously.

Respectfully submitted,

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Wetlands Board Chair

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Date